



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

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### **INDIVIDUAL GROUNDWATER DISCHARGE PERMIT**

Name and Address of Applicant:

Longhill Gardens LLC  
9 Pearlman Drive, Suite 207  
Spring Valley, NY 10977

Date of Application:

June 3, 2021

Application Number:

X287909

Permit Number:

966-1

Date of Issuance:

DRAFT

Date of Expiration:

DRAFT

Effective Date:

DRAFT

### **AUTHORITY FOR ISSUANCE**

Pursuant to authority granted by Chapter 21, Sections 26-53 of the Massachusetts General Laws, as amended, 314 CMR 2.00, and 314 CMR 5.00, the Massachusetts Department of Environmental Protection (the Department or MassDEP) hereby issues the following permit to:

Longhill Gardens, LLC  
9 Pearlman Drive, Suite 207  
Spring Valley, NY 10977

(hereinafter called "the permittee, or Longhill") authorizing discharges to the ground from a 117-bedroom apartment building from the onsite wastewater treatment plant located at:

Longhill Gardens, LLC  
134 College Highway  
Southampton, MA 01073

such authorization being expressly conditional on compliance by the permittee with all terms and conditions of the permit hereinafter set forth.

**Matthew J. Sokop, P.E.**  
**Section Chief, Wastewater Management**  
**Bureau of Water Resources**

**Date**

## **I. SPECIAL CONDITIONS**

### **A. EFFLUENT LIMITS**

1. The permittee is authorized to discharge into the ground from the wastewater treatment facilities for which this permit is issued a treated effluent whose characteristics within one month of startup and continuing thereafter, shall not exceed the following values:

EFFLUENT CONSTITUENT	DISCHARGE LIMITATIONS
EFFLUENT FLOW RATE	12,870 GALLONS PER DAY
BIOCHEMICAL OXYGEN DEMAND, BOD <sub>5</sub>	30 MG/L
TOTAL SUSPENDED SOLIDS	30 MG/L
NITRATE NITROGEN NO <sub>3</sub>	10 MG/L
TOTAL NITROGEN (TKN+NO <sub>2</sub> +NO <sub>3</sub> )	10 MG/L
OIL AND GREASE	15 MG/L

- a. The pH of the effluent shall not be less than 6.5 SIU nor greater than 8.5 SIU at any time or not more than 0.2 standard units outside the naturally occurring range.
- b. The discharge of the effluent shall not result in any demonstrable adverse effect on the groundwater or violate any water quality standards that have been promulgated.
- c. The monthly average concentration of BOD and TSS in the discharge shall not exceed 15 percent of the monthly average concentrations of BOD and TSS in the influent into the Permittee's wastewater treatment facility.
- d. When the average annual flow exceeds 80 percent of the permitted flow limitations, the Permittee shall submit a report to the Department describing what steps the Permittee will take in order to remain in compliance with the permit limitations and conditions, inclusive of the flow limitations established in this permit.
- e. In the event that the soil absorption system becomes saturated in any part or effluent breaks out of any part of the soil absorption system, the Permittee shall prevent further dosing of the soil absorption system by pumping out the dosing tank(s). All effluent pumped from dosing tanks will be pumped by a locally licensed septage hauler.

### **B. MONITORING AND REPORTING**

1. The Permittee shall monitor and record the quality of the **influent** and the quality and quantity of the **effluent** prior to discharge to the leaching facilities according to the following schedule and other provisions:

#### **INFLUENT:**

INFLUENT CONSTITUENT	MINIMUM FREQUENCY OF ANALYSIS	SAMPLE TYPE
BIOCHEMICAL OXYGEN DEMAND (BOD <sub>5</sub> )	1 TIME PER MONTH	24-HOUR COMPOSITE
TOTAL SUSPENDED SOLIDS (TSS)	1 TIME PER MONTH	24-HOUR COMPOSITE
AMMONIA NITROGEN (NH <sub>3</sub> -	1 TIME PER MONTH	24-HOUR COMPOSITE

INFLUENT CONSTITUENT	MINIMUM FREQUENCY OF ANALYSIS	SAMPLE TYPE
N)		
TOTAL SOLIDS (TS)	1 TIME PER MONTH	24-HOUR COMPOSITE

**EFFLUENT:**

EFFLUENT CONSTITUENT	MINIMUM SAMPLING FREQUENCY	SAMPLE TYPE
EFFLUENT FLOW RATE	CONTINUOUS	MINIMUM, MAXIMUM, AND AVERAGE
BIOCHEMICAL OXYGEN DEMAND (BOD <sub>5</sub> )	1 TIME PER MONTH	24-HOUR COMPOSITE
TOTAL SUSPENDED SOLIDS	1 TIME PER MONTH	24-HOUR COMPOSITE
NITRATE NITROGEN NO <sub>3</sub>	1 TIME PER MONTH	24-HOUR COMPOSITE
TOTAL NITROGEN (NO <sub>3</sub> -N + NO <sub>2</sub> -N+TKN)	1 TIME PER MONTH	24-HOUR COMPOSITE
pH	DAILY	GRAB
OIL & GREASE	1 TIME PER MONTH	24-HOUR COMPOSITE
VOLATILE ORGANIC COMPOUNDS (BY APPROVED METHOD)	ANNUAL	GRAB
TOTAL PHOSPHORUS	1 TIME PER MONTH	24-HOUR COMPOSITE
ORTHOPHOSPHATE	1 TIME PER MONTH	24-HOUR COMPOSITE

2. The permittee shall monitor, record and report the quality of water in the approved monitoring wells MW-4 (upgradient) MW-3 and MW-5 (downgradient) according to the following schedule and other provisions as shown on the approved plan titled:

*Country Garden Apartments  
134 College Highway Southampton, MA.  
Site Layout Plan Drawing No. #2016-10 Sheet 2  
Dated: 4-26-2016*

Labels identifying each monitoring well's designation in accordance with the referenced approved plan shall be maintained affixed to the steel protective casing of each monitoring well.

3. The Permittee shall monitor record and report the quality of water in upgradient MW-4 and downgradient monitoring wells MW-3 and MW-5 in accordance with the schedule below:

MONITORING WELL CONSTITUENT	SAMPLING FREQUENCY
STATIC WATER LEVEL OBSERVATIONS	MONTHLY
pH	MONTHLY
SPECIFIC CONDUCTANCE	MONTHLY
NITRATE NITROGEN NO <sub>3</sub>	QUARTERLY
TOTAL NITROGEN (NO <sub>3</sub> -N+NO <sub>2</sub> -N+TKN)	QUARTERLY
TOTAL PHOSPHOROUS	QUARTERLY

MONITORING WELL CONSTITUENT	SAMPLING FREQUENCY
ORTHOPHOSPHATE	QUARTERLY
VOLATILE ORGANIC COMPOUNDS (BY APPROVED METHOD)	ANNUALLY

4. All sampling shall be representative of wastewater influent and effluent from the WWTP.
5. After one full year of monitoring the Total Phosphorus and Orthophosphate results in both the WWTP effluent and monitoring wells, MassDEP may determine, upon the request of the permittee, that the frequency of monitoring may be reduced if, in the judgment of MassDEP, the results of the sampling indicate that existing phosphorus levels will not adversely impact downgradient receptors. If MassDEP reduces the frequency of monitoring for Total Phosphorus and Orthophosphate, MassDEP reserves the right to resume more frequent monitoring if it is determined that levels of these compounds are impacting downgradient receptors.
6. Static Water Level measurements in the monitoring wells shall be expressed as an elevation and shall be referenced to the surveyed datum established for the site. It shall be calculated by subtracting the depth to the water table from the surveyed elevation of the top of the monitoring well's PVC well casing/riser.
7. Any grab sample or composite sample required to be taken less frequently than daily shall be taken during the period of Monday through Friday inclusive. All composite samples shall be taken over the operating day.
8. The permittee shall submit all monitoring reports within 30 days of the last day of the reporting month to MassDEP and to the Southampton Board of Health at 210 College Highway, Suite 4 Southampton, MA 01073. All discharge monitoring reports submitted to MassDEP shall be submitted through eDEP. To register for electronic submission go to: <http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>

#### C. FINANCIAL ASSURANCE MECHANISMS

1. The permittee shall establish and maintain a financial assurance mechanism that provides for the continued availability of an immediate repair and replacement account. The immediate repair and replacement account shall contain adequate funds to correct any unanticipated problem immediately so that any disruption of operation is minimized, and a violation of the terms and conditions contained in the permit does not occur. To create an immediate repair and replacement account, the permittee shall deposit at least 25% of the estimated construction cost of the Treatment Works into an interest-bearing escrow account in accordance with the financial assurance mechanism and 314 CMR 5.15.
  - a. For purpose of the financial assurance mechanism requirement, the estimated construction cost of the wastewater treatment facility shall include the cost of constructing the wastewater treatment plant, collection system, associated mechanical equipment, but not including the land, ground and disposal area.

2. The permittee shall meet the obligation to establish the required financial assurance mechanism by using Department-approved form documents and shall submit said Department-approved form documents to the Department for its review and approval as follows:
  - a. A permittee that constructs the wastewater treatment facility after the issuance of the Individual permit may submit the financial assurance mechanism(s) to the Department for its review and approval no later than ninety (90) days prior to the start-up (clear water test) of the facility. Such a permittee shall not operate the facility unless and until the Department has approved the required financial assurance mechanism, the financial assurance mechanism is in full force and effect, and the permittee has made all contributions required thirty (30) days prior to the start-up (clear water test) of the facility; or,
  - b. A permittee with a wastewater treatment facility in existence prior to the submission of the individual permit renewal application may submit the financial assurance mechanism to the Department for its review and approval no later than ninety (90) days from the date of submission of the individual permit renewal application. Said permittee shall be in compliance with the provision of the approved financial assurance mechanism requiring contributions to the immediate repair and replacement account no later than thirty (30) days prior to the date on which the renewal is issued.
3. The permittee shall maintain the current form documents evidencing the required financial assurance mechanism approved by the Department. The permittee shall perform all its obligations under the required financial assurance mechanism as approved by the Department.
4. Once established and funded, the permittee shall keep an amount equal to at least 25% of the estimated construction cost of the Treatment Works in the immediate repair and replacement account and shall replenish the account within 90 days of any disbursement.
5. On or before January 31st of each year, the permittee shall submit an annual financial report identifying the initial and current balance in the immediate repair and replacement account and confirming the continuing availability of the funds in said account for the purposes specified in the permit and 314 CMR 5.15. Said report shall be prepared in accordance with generally accepted accounting principles. Reports pertaining to the required financial assurance mechanism(s) shall be sent to the Wastewater Management Section Chief at the appropriate Regional Office.

#### **D. SUPPLEMENTAL CONDITIONS**

1. Longhill Gardens previous permit and facility approval was issued in August 2016 with the Treatment Works placed into service in July 2018. Similarly in this permit, Part I.A.1.d of the previous permit specifies requirements for the permittee when the average annual flow exceeds 80% of the permitted flow (i.e. 10,296 gallons per day). Discharge Monitoring Report (DMR) data submitted to MassDEP from January 2020 through June 2021 indicates that Longhill Gardens had flow violations of the permit every month from January 2020 through March 2021. The average annual flow was calculated to be 10,625 gallons per day for the January through December 2020 calendar year. As a

result, MassDEP issued two Notices of Non-Compliance (NON-WE-20-00009154; February 10, 2020 and NON-WE-20-0001035; October 7, 2020) for, among other permit excursions, flow. Within six (6) months of the effective date of this permit, and as required in the referenced portion of the permit, Longhill Gardens shall submit an engineering report from its Engineer specifying actions it will take in order to avoid future permit violations for flow. The Engineer's report shall be subject to MassDEP review and approval. Measures to reduce effluent flow exceedances may include but are not limited to: replacement of existing fixtures with low flow units, installation of flow equalization tanks and more frequent effluent flow meter calibrations. Upon MassDEP's written approval, the plan of action shall be committed as a standard operating procedure (SOP) and integrated and cross referenced into the existing operation and maintenance manual (O&M). The revised O&M Manual shall be submitted to MassDEP within ninety (90) days from MassDEP's written approval. The updated O&M manual shall be compliant with 314 CMR 12.00 and not presumptively approved. MassDEP shall issue a written approval for the revised O&M manual after a review.

2. The Permittee shall notify MassDEP at least thirty (30) days in advance of the proposed transfer of ownership of the facility for which this permit is written. Said notification shall include a written agreement between the existing and new Permittee's containing a specific date for transfer of permit, responsibility, coverage and liability between them.
3. The Permittee shall notify MassDEP of any change in use of the Facility that would either increase the flow to the treatment works and/or the soil absorption system and or change the composition of the wastewater flow to the WWTP (i.e. residential to industrial).
4. A staffing plan for the facility shall be submitted to MassDEP once every two years and/or whenever there are staffing changes. The staffing plan shall include the following components:
  - a. The operator's names, operator grades and operator license numbers;
  - b. The number of operational days per week;
  - c. The number of operational shifts per week;
  - d. The number of shifts per day;
  - e. The required personnel per shift;
  - f. Saturday, Sunday and holiday staff coverage;
  - g. Emergency operating personnel.
5. The Permittee is responsible for the operation and maintenance of all sewers, pump stations, and treatment units for the permitted facility, which shall be operated and maintained under the direction of a properly certified wastewater operator.
6. Operation and maintenance of the proposed Treatment Works shall be in accordance with 314 CMR 12.00, *"Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges"*, and, 257 CMR 2.00, *"Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities"*.
  - a. Longhill Garden's Treatment Works has been rated (in accordance with 257 CMR 2.00), to be a Grade 4M facility. Therefore, the Permittee shall provide for oversight by a Massachusetts Certified Wastewater Treatment plant operator (Chief Operator)

Grade 4M or higher. The Permittee will also provide for a backup operator who shall possess at least a valid Grade 3M license;

- b. As a condition of this permit, Longhill Garden shall maintain its sewn bound wastewater treatment plant inspection logbook. The logbook shall be maintained on location at the treatment facility. The date and time of the operator's inspection along with the operator's name and certification shall be recorded in the logbook. All daily inspection logs consistent with the O & M Manual requirements shall be kept at the facility for a period of three (3) years;
  - c. Records of operation of WWTP or disposal systems required by MassDEP shall be submitted on forms supplied by MassDEP or on other forms approved by MassDEP for such use. Monthly reports shall be certified by the wastewater treatment plant operator in charge and shall be included in the discharge monitoring reports submitted each month.
7. If the operation and maintenance of the Longhill Garden Treatment Works are contracted to a private concern, the permittee shall submit a copy of the contract, consistent with what is required by the approved Operation & Maintenance manual and signed only by the contractor, to the appropriate MassDEP Regional Office within thirty (30) days of permit issuance. Along with the contract, a detailed listing of all contract operation obligations of the proposed contractor at other facilities shall also be submitted.
8. Any additional connections to the sewer system, beyond the 117 bedrooms, must be approved by MassDEP prior to the connection.
9. All tests or analytical determinations to determine compliance with permit limits, standards and requirements shall be subject to the following:
- a. All samples (influent, effluent, monitoring well, etcetera) shall be collected, transported and stored in accordance with 40 CFR 136 and MassDEP Regulations at 314 CMR 12.00;
  - b. All monitoring analysis must be conducted according to test procedures approved under 40 CFR Part 136 unless other methods are approved by the Department; and,
  - c. All sampling collection, analytical determinations and quality assurance and quality controls (QA/QC) for compliance with these permit standards and requirements shall be completed using procedures found in the most recent version of 40 CFR 136. Any laboratory analysis not performed on site shall be conducted by a Massachusetts Certified Laboratory. All QA/QC shall be the responsibility of the Permittee;
10. The Permittee shall notify the appropriate MassDEP Regional Office, in writing, within thirty (30) days of the following events:
- a. Any interruption of the treatment system operation, other than routine maintenance;
  - b. Shutdown of the WWTP.
11. The Permittee shall contract to have any and all solids and sludges generated by the treatment system for which this permit is issued removed off site by a properly licensed waste hauler for disposal at an EPA/MassDEP approved facility. The name and license

number of the hauler along with the quantity of wastes removed and the date(s) of removal shall be reported by the Permittee in writing to MassDEP WERO.

12. In the event that effluent limits are not met, or the discharge is determined to impair groundwater quality in accordance with 314 CMR 5.16(1), the Permittee may be obligated to modify, supplement or replace the permitted treatment process so as to ensure that the discharge does not impair the ability of the groundwater to act as an actual or potential source of potable water;
13. To maintain compliance with this Permit, the Permittee shall develop and implement a written operation and maintenance plan to control inflow and infiltration in its collection system. The Permittee shall report all work completed as well as any proposed work on its collection system in the logbook as referenced at Section I.D.6.b of this Permit.
14. Simultaneously with the permit renewal application at year fifteen (2031) following the initiation of plant operations, the permittee shall submit two reports to MassDEP for its review and approval:
  - a. An engineering report, prepared by a registered professional engineer, that outlines in sufficient detail what modifications (if any) to the facility or other changes are required to ensure that the facility can remain in compliance with its GWDP and other applicable requirements through the next 5-year permit term (year 2036) and beyond;  
and
  - b. A financial plan that contains the cost estimates for implementing the facility modifications or other changes identified in the engineering report, and describes and demonstrates, how and when the permittee will finance the needed facility modifications or other changes.
15. Pursuant to M.G.L. Chapter 21A, section 18(a), and 310 CMR 4.03, holders of this Permit may be subject to annual compliance assurance fees as assessed each year on July 1st and invoiced by MassDEP. Failure of the Permit holder to pay applicable annual compliance assurance fees shall result in the automatic suspension of the permit by operation of law under the statute. If fee non-payment continues for sixty (60) days or more, MassDEP has the statutory option of revoking the Permit, denying any other pending permit applications filed by the Permit holder or taking other enforcement action. Permit holders are required to notify MassDEP in writing if they wish to relinquish or transfer a permit. Failure to do so will result in the continued assessment of fees.

#### **E. APPEAL RIGHTS**

During the thirty (30) day period following issuance of this permit, a Notice of Claim for an Adjudicatory Appeal may be sent by any person aggrieved (the "Petitioner") by the issuance to:

Case Administrator  
Office of Appeals and Dispute Resolution  
Department of Environmental Protection  
One Winter Street/2<sup>nd</sup> Floor  
Boston, MA 02108



310 CMR 1.01(6)(b) requires the Notice of Claim to: include sufficient facts to demonstrate aggrieved person status; state the facts which are grounds for the appeal specifically, clearly and concisely; and, state relief sought. The permit shall become or remain effective at the end of the 30-day appeal period unless the person filing the Notice of Claim requests, and is granted, a stay of its terms and conditions. If a permit is modified under 314 CMR 2.10, only the modified terms and conditions may be subject to an Adjudicatory Appeal. All other aspects of the existing permit shall remain in effect during any such Adjudicatory Appeal.

Per 310 CMR 4.06, the hearing request to the Commonwealth will be dismissed if the filing fee is not paid. Unless the Petitioner is exempt or granted a waiver, a valid check payable to the Commonwealth to Massachusetts in the amount of \$100.00 must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The filing fee is not required if the Petitioner is a city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority effective January 14, 1994, or any municipal housing authority; or, per MGL 161A s. 24, the Massachusetts Bay Transportation Authority. MassDEP may waive the adjudicatory hearing filing fee for a Petitioner who shows that paying the fee will create an undue financial hardship. A Petitioner seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

## **II. GENERAL PERMIT CONDITIONS**

### **5.16: General Conditions**

The following conditions apply to all individual and general permits:

(1) No discharge authorized in the permit shall cause or contribute to a violation of 314 CMR 4.00: *Massachusetts Surface Water Quality Standards*. Upon promulgation of any amended-standard, the permit may be modified to comply with such standard in accordance with the procedures in 314 CMR 2.10: *Modification, Suspension, Revocation and Renewal of Permits and General Permit Coverage* and 314 CMR 5.12. Except as otherwise provided in 314 CMR 5.10(3)(c), 5.10(4)(a)2. and 5.10(9), no discharge authorized in the permit shall impair the ability of the ground water to serve as an actual or potential source of potable water. Evidence that a discharge impairs the ability of the ground water to serve as an actual or potential source of potable water includes, without limitation, analysis of samples taken in a downgradient well that demonstrates one or more exceedances of the applicable water quality-based effluent limitations set forth in 314 CMR 5.10. In those cases where it is shown that a measured parameter exceeds the applicable water quality-based effluent limitations set forth in 314 CMR 5.10 at the upgradient monitoring well, evidence that a discharge impairs the ability of the ground water to serve as an actual or potential source of potable water is deemed to exist if a measured parameter in any downgradient well exceeds the level of that same measured parameter in the upgradient well for the same sampling period. A statistical procedure approved by the Department shall be used to determine when a measured parameter exceeds the allowable level.

(2) Duty to Comply. The permittee shall comply at all times with the terms and conditions of the permit, 314 CMR 5.00, M.G.L. c. 21, §§ 26 through 53, and all applicable state and federal statutes and regulations.

(3) Standards and Prohibitions for Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established by § 307(a) of the Federal Act, 33 U.S.C. § 1317(a), for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

(4) Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the permit, 314 CMR 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges*, and 257 CMR 2.00: *Certification of Operators of Wastewater Treatment Facilities*. All equipment shall be maintained in an acceptable condition for its intended use.

(5) Duty to Halt or Reduce Activity. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, discharges, or both, until the facility is restored or an alternative method of treatment is provided. A permittee may not raise as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(6) Power Failure. In order to maintain compliance with the effluent limitations and prohibitions of the permit, the permittee shall either:

- (a) provide an alternative power source sufficient to operate the wastewater control facilities; or
- (b) halt, reduce or otherwise control production or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

(7) Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any adverse impact on human health or the environment resulting from non-compliance with the permit. Additionally, the permittee shall take all necessary steps to prevent an operational upset of the PWTF or POTW.

(8) Duty to Provide Information. The permittee and any operator of the permitted facility shall furnish to the Department within a reasonable time as specified by the Department any information which the Department may request to determine whether cause exists for modifying, suspending, revoking and reissuing, or terminating the permit, or to determine whether the permittee is complying with the terms and conditions of the permit.

(9) Inspection and Entry. The permittee shall allow the Department or its authorized representatives to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records required by the permit are kept;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (c) Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times for the purpose of determining compliance with the terms and conditions of the permit.

(9A) The permittee shall physically secure the treatment works and monitoring wells and limit access to the treatment works and monitoring wells only to those personnel required to operate, inspect and maintain the treatment works and to collect samples.

(9B) The permittee shall identify each monitoring well by permanently affixing to the steel protective casing of the well a tag with the identification number listed in the permit.

(10) Monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures are specified in the permit.

(11) Recordkeeping. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and all records of all data used to complete the application for the permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Records of monitoring information shall include without limitation:

- (a) The date, exact place, and time of sampling or measurements;
- (b) The individual(s) who performed the sampling or measurement;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical techniques or methods used; and
- (f) The results of such analyses.

(12) Prohibition of Bypassing. Except as provided in 314 CMR 5.16(13), bypassing is prohibited and the Department may take enforcement action against a permittee for bypassing unless:

- (a) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (c) The permittee submitted notice of the bypass to the Department:
  - 1. In the event of an anticipated bypass, at least ten days in advance, if possible; or
  - 2. In the event of an unanticipated bypass, as soon as the permittee has knowledge of the bypass and no later than 24 hours after its first occurrence.

(13) Bypass not Exceeding Limitations. The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if necessary for the performance of essential maintenance or to assure efficient operation of treatment facilities.

(14) Permit Actions. The permit may be modified, suspended, or revoked for cause. The filing of a request by the permittee for a permit modification, reissuance, or termination, or a notification of planned changes or anticipated non-compliance does not stay any permit condition.

(15) Duty to Reapply. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department in writing.

(16) Property Rights. The permit does not convey any property rights of any sort or any exclusive privilege.

(17) Other Laws. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, nor does it relieve the permittee of its obligation to comply with any other applicable Federal, State, or local law, or regulation.

(18) Oil and Hazardous Substance Liability. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee of any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Federal Act, 33 U.S.C. § 1321, and M.G.L. c. 21E.

(19) Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed in a manner consistent with applicable Federal and State laws and regulations including, but not limited to, the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, and the Federal Act, 33 U.S.C. § 1251 *et seq.*, the Massachusetts Hazardous Waste Management Act, M.G.L. c. 21C, and the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.*, 310 CMR 19.000: *Solid Waste Management* and 310 CMR 30.000: *Hazardous Waste*.

(20) Reporting Requirements.

(a) Monitoring Reports. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) at the intervals specified in the permit. If a permittee monitors any pollutant more frequently than required by the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Beginning on December 2, 2017, a permittee shall submit all DMRs electronically, using the electronic reporting system designated by the Department. A permittee may seek a waiver of this requirement by submitting a written request for the Department's approval.

(b) Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on interim and final requirements contained in any compliance schedule in the permit shall be submitted no later than 14 days following each schedule date.

(c) Planned Changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility or activity which could significantly change the nature or increase the quantity of pollutants discharged. Unless and until the permit is modified, any new or increased discharge in excess of permit limits or not specifically authorized by the permit constitutes a violation.

(d) Anticipated Non-compliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.

(e) 24 Hour Reporting. The permittee shall report any non-compliance which may endanger health or the environment. Any information shall be communicated orally within 24 hours of the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the non-compliance, including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The following shall be included as information which must be reported within 24 hours:

1. Any unanticipated bypass which exceeds any effluent limitation in the permit; and
2. Any violation of a maximum daily discharge limitation for any of the pollutants required by the permit to be reported within 24 hours.

(f) Other Non-compliance. The permittee shall report all instances of non-compliance not reported under 314 CMR 5.16(20)(a), (b), or (e) at the time monitoring reports are submitted. The reports shall contain the information listed in 314 CMR 5.16(20)(e).

(g) Toxics. All manufacturing, commercial, mining, or silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

1. That any activity has occurred, or will occur, that would result in the discharge of any toxic pollutant listed in 314 CMR 3.17: *Appendix B - Toxic Pollutants* not limited by the permit, if that discharge will exceed the highest of the following notification levels:
  - a. 100 micrograms per liter (100 ug/l);
  - b. 200 micrograms per liter (200 ug/l) for acrolein and acrylonitrile, 500 micrograms per liter (500 ug/l) for 2,4-dinitrophenol, and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/l) for antimony;
  - c. Five times the maximum concentration value reported for that pollutant in the permit application; or
2. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

(h) Indirect Dischargers. All Publicly Owned Treatment Works shall provide adequate notice to the Department of the following:

1. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to § 301 or § 306 of the Federal Act, 33 U.S.C. § 1311 or 1316, if it were directly discharging those pollutants; and
2. Any substantial change in the volume or character of pollutants being introduced into the POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

(i) Information. Where a permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or

in any report to the Department, it shall promptly submit the relevant facts or correct information.

(j) The permittee shall notify the Department in writing within seven days of any change in contract operators.

(21) Signatory Requirement. All applications, reports, or information submitted to the Department shall be signed and certified in accordance with 314 CMR 5.14 and 5.15.

(22) Severability. The provisions of the permit are severable. If any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(23) Reopener Clause. The Department reserves the right to make appropriate revisions to the permit to establish any appropriate effluent limitations, schedules of compliance, or other provisions, as authorized by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, or the Federal Act, 33 U.S.C. § 1251 *et seq.*, to bring all discharges into compliance with these statutes.

(24) Approval of Treatment Works. All discharges and associated treatment works authorized in 314 CMR 5.00 shall remain in compliance with the terms and conditions of the permit. Any modification of the approved treatment works shall require written approval of the Department prior to the construction of the modification.

(25) Transfer of Permits.

(a) RCRA Facilities. Any permit which authorizes the operation of a RCRA facility subject to the requirements of 314 CMR 8.07: *Standards for all other RCRA Facilities* shall be valid only for the person to whom it is issued and may not be transferred.

(b) Transfers by Modification. Except as provided in 314 CMR 5.16(25)(a) and (c), permit may be transferred by the permittee to a new permittee if the permit has been modified or revoked and reissued in accordance with 314 CMR 5.12(2), or a minor modification is made to identify the new permittee in accordance with 314 CMR 5.12(3) and (4).

(c) Automatic Transfers. For facilities other than Privately Owned Wastewater Treatment Facilities (PWWTFs) that treat at least some sewage from residential uses, hospitals, nursing or personal care facilities, residential care facilities, or assisted living facilities, PWWTFs that have been required to establish, fund and maintain financial assurance mechanism(s) pursuant to 314 CMR 5.15(6), and RCRA facilities subject to the requirements of 314 CMR 8.07: *Standards for all other RCRA Facilities*, a permit may be automatically transferred in accordance with 314 CMR 5.12(5).

(26) Permit Compliance Fees and Inspection Information. Except as otherwise provided, any permittee required to obtain a ground water discharge permit pursuant to M.G.L. c. 21, § 43, and 314 CMR 5.00 shall submit the annual compliance assurance fee established in accordance with M.G.L. c. 21A, § 18 and 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, as provided in 314 CMR 2.12: *Applications, Fees and Inspection Information*. The requirement to submit the annual compliance fee does not apply to any local government unit other than an authority. Any permittee required to obtain a ground water discharge permit pursuant to M.G.L. c. 21, § 43 and 314 CMR 5.00, may be required to submit inspection information annually, as provided in 314 CMR 2.12.



**Massachusetts Department of Environmental Protection**  
**One Winter Street, Boston MA 02108 • Phone: 617-292-5751**  
**Communication For Non-English Speaking Parties - 310 CMR 1.03(5)(a)**



### **1 English:**

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



### **2 Español (Spanish):**

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



### **3 Português (Portuguese):**

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



### **4(a) 中國（傳統） (Chinese (Traditional)):**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。



### **4(b) 中国（简体中文） (Chinese (Simplified)):**

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与MassDEP的多样性总监联系。



### **5 Ayisyen (franse kreyòl) (Haitian) (French Creole):**

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



#### 6 Việt (Vietnamese):

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



#### 7 ប្រទេសកម្ពុជា (Kmer (Cambodian):

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាមៗ ប្រសិនបើអ្នកត្រូវបានបកប្រែ  
ឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជានាយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយ  
ខាងក្រោម។



#### 8 Kriolu Kabuverdianu (Cape Verdean):

*Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.*



#### 9 Русский язык (Russian):

Этот документ является важным и должно быть переведено сразу. Если вам нужен этот документ переведенный, пожалуйста, свяжитесь с директором разнообразия MassDEP по адресу телефонных номеров, указанных ниже.



#### 10 العربية (Arabic):

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في  
PMassDEP على أرقام الهواتف المدرجة أدناه.



#### 11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의  
전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.



#### 12 հայերեն (Armenian):

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ  
անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP



բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորել:



**13 فارسی (Farsi (Persian):**

این سند مهم است و باید فوراً ترجمه شده است.

اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر PMassDE در شماره تلفن های ذکر شده در زیر.



**14 Français (French):**

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.



**15 Deutsch (German):**

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.



**16 Ελληνική (Greek):**

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.



**17 Italiano (Italian):**

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.



**18 Język Polski (Polish):**

Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.



### 19 हिन्दी (Hindi):

यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

### **INDIVIDUAL GROUNDWATER DISCHARGE PERMIT** **FACT SHEET**

#### **I. APPLICANT, FACILITY INFORMATION, AND DISCHARGE LOCATION**

##### NAME AND ADDRESS OF APPLICANT:

Mr. Gabriel Dorfman  
Longhill Gardens, LLC  
9 Pearlman Drive, Suite 207  
Spring Valley, NY 10977

##### NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Longhill Gardens, LLC (Apartments) Wastewater Treatment Plant  
134 College Highway  
Southampton, MA 01073

##### Discharge Information:

GROUNDWATER DISCHARGE PERMIT NUMBER: 966-1

The Groundwater Discharge Permit will allow the applicant to continue to discharge 12,870 gallons per day of treated sanitary wastewater from the 117-bedroom Longhill Garden Apartments' Wastewater Treatment Plant to groundwaters of the Commonwealth. The discharge is within the Mapped Zone II of the Southampton PWS Well (1276000-01G). Because the discharge is located within a nitrogen sensitive area as defined at 310 CMR 15.215 (Zone II of PWS Well (1276000-01G) the provisions of 314 CMR 5.10(4A)(e) apply.

#### **II. LIMITATIONS AND CONDITIONS**

Discharge permit limitations are as listed in the ground water permit and are in conformance with 314 CMR 5.00, the Groundwater Discharge Permit Program.

### **III. PERMIT BASIS AND EXPLANATION OF EFFLUENT LIMITATIONS**

An Individual Groundwater Discharge permit is required for this discharge in accordance with the Massachusetts Clean Water Act, M.G.L. c. 21, s. 26-53 and 314 CMR 5.03.

Effluent limitations are based upon the location of the discharge, the level of treatment, consideration of human health protection criteria and protection of the groundwaters of the Commonwealth.

The applicant satisfies the requirements of 314 CMR 5.10(4A)(e),(f) for the establishment of the limits in the Ground Water Discharge Permit.

### **IV. COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISIONS**

The public comment period for this permit is thirty (30) days following public notice in The Environmental Monitor. The public notice for this Individual Groundwater Discharge Permit occurred on [DATE].

In addition, this permit contains “Special Effluent Limitations” pursuant to 314 CMR 5.10(9). Therefore in accordance with 314 CMR 2.06(4)(a) public notice was also published in [Local Newspaper] on [DATE].

Requests for an adjudicatory hearing must be submitted within thirty (30) days of the issuance/denial of the permit, by any person who is aggrieved by such issuance/denial.

A final decision on the issuance/denial of this permit will be made after the public notice period, and review of any comments received during this period.

### **V. STATE CONTACT INFORMATION**

Additional information concerning the draft permit may be obtained between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday excluding holidays, from:

Daniel J. Kurpaska  
436 Dwight Street Springfield, MA 01103  
857-207-2000  
daniel.j.kurpaska@mass.gov

Matthew J. Sokop, P.E. Section Chief  
Wastewater Management Program

\_\_\_\_\_  
DATE